

ADMINISTRATIVE RECORD

12.01.05.02



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

1189691 - R8 SDMS

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

FEB 13 2004

Nancy S. Bryson
General Counsel
U.S. Department of Agriculture
14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Dale N. Bosworth
Chief
Forest Service
14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

W.R. Ashworth
Director
Office of Procurement and Property Management
14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Re: Block P Mill Tailings Site, Lewis and Clark National Forest, MT

Dear Ms. Bryson, Chief Bosworth and Mr. Ashworth:

Pursuant to the authority delegated by Section 4(d)(3) of Executive Order (E.O.)12580, as amended, and the Memorandum of Understanding (MOU) among the Environmental Protection Agency, the U.S. Coast Guard, and the Departments of Commerce, Interior, Agriculture, Defense, Energy and Justice concerning the exercise of authority under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and as redelegated by the Administrator, I concur with the Department of Agriculture's proposal to exercise administrative order authority under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at the above-referenced site.

12010502



496192

As provided by Section IV. B of the MOU, EPA has determined that the Department of Agriculture, acting through the U.S. Forest Service, is the lead Federal agency, consistent with the National Contingency Plan, 40 C.F.R. Part 300.5 ("NCP") and the E.O., for oversight of the non-time critical removal action at the Block P Mill Tailings Site (Block P). EPA retains its authority as the lead Federal agency for the conduct or oversight of all other response actions at the Barker-Hughesville site.

The management and staff of EPA Headquarters, Denver Regional Office, and the Montana Operations Office are very supportive of this order. We believe that the coordination and cooperation between EPA and USDA/Forest Service staff in the development of the site specific MOU, the Action Memorandum, and this order are an excellent example of the interagency coordination intended by Section 4(d)(3) of E.O.12580.

Sincerely,



Susan Bromm, Director
Office of Site Remediation Enforcement

cc: Scott Sherman, OGC
Dave Kling, FFEO
Max Dodson, ARA, Region 8